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THARAKA NITHI COUNTY ACTS, 2026

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**THE THARAKA NITHI COUNTY TRADE AND MARKETS ACT,
2026**

No. 2 of 2026

Date of Assent: 16th January, 2026

Date of Commencement: See Section 1

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**THE THARAKA NITHI COUNTY TRADE AND MARKETS ACT,
2026**

AN ACT of the County Assembly of Tharaka Nithi to provide for the regulation of trade and other business activities, the establishment and management of markets and for related purposes

ENACTED by the County Assembly of Tharaka Nithi, as follows —

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Tharaka Nithi County Trade and Markets Act, 2026 and shall come into operation upon publication in the *Gazette*.

Interpretation

2. In this Act—

“authorized officer” means an officer appointed under this Act;

“butcher’s mea” include beef, mutton, veal, lamb, pork, kid or the meat of any other authorized animal slaughtered for human consumption for the purpose of sale;

“casual trader” means a person who attends a particular market with their goods, in the hope that they may be allocated a trading position for that day only, from the available positions in the market;

“County Executive Committee Member” means the county executive committee member responsible for matters relating to trade;

“defective goods” include goods that—

- (a) are in the particular circumstances, unfit for purpose and use; or
- (b) do not comply with a product safety or quality standard;

“department” means the department responsible for trade;

“market” means a designated area where transactions occur involving exchange of goods and services by buyers and sellers;

“marketable commodities” includes all goods and services capable of being traded in;

“market stall” means contemporary stalls, a stand, booth or compartment in a market erected and leased to traders by the County Government for sale of goods and services;

“public marke” means a public market established under this Act;

“regular trader” means a trader who has been permitted to use a particular trading position within a particular period at a particular market site;

“trade” means carrying on the business of exchanging goods or services for a consideration; and

“unfair trade practice” means a trader who engages in the sale of goods in front of a stall or shop that sells wares and goods without obtaining the necessary licenses or permits as stipulated by this or any other Act.

Object and Purpose of the Act

3. The object and purpose of this Act is to —

- (a) promote trade in the County;
- (b) regulate trade within the County;
- (c) promote local economic growth;
- (d) enable the County Government to attract and promote public private partnerships and private investments in trade; and
- (e) enable the County Government to enter into joint trade ventures with other partners.

PART II — TRADE DEPARTMENT

Functions and Powers of the trade department

4. In addition to existing functions, the county department shall perform the following functions —

- (a) advise on all matters relating to trade in the county;
- (b) represent, when appropriate and considered necessary by the Executive Committee Member, the county at meetings, conferences or similar gatherings where matters of trade and investment affecting the county are discussed or considered;
- (c) encourage and assist in the promotion of the county's produce and products including exhibiting at trade fairs;
- (d) advise on the commodities pricing and marketing information within the County;
- (e) advise on the criteria for the development of industry and commerce to be applied in evaluating approvals under any legislation which promotes trade, for the time being in force in the county;

- (f) ensure laws relating to fair trading and consumer protection are adhered to;
- (g) promote the development of small businesses, to disseminate knowledge of sound business and commercial practice in the county;
- (h) undertake research into any aspect of County trade, commerce and industry, including conducting of surveys, gathering statistics and publishing reports from time to time;
- (i) to make or cause to be made and paid for out of public funds all such repairs, alterations, improvements and additions to public markets as the department considers necessary;
- (j) with the concurrence of Executive Committee Member, the collaborate with National government entities responsible for standardization, quality control and counterfeit control;
- (k) evaluate investment proposals suitable for funding by the Government or donors;
- (l) facilitate revenue collection from markets and generate regular reports to the County Treasury; and
- (m) carry out such other functions or acts that will promote trade investment in the County.

Trade Promotion and Development

5. The county department shall promote and facilitate trade development through —

- (a) providing business support and advisory services;
- (b) carrying out regular assessment on business climate;
- (c) reviewing policies and practices that affect business climate and advising on the appropriate measures to be adopted for promoting trade development;
- (d) facilitate an enabling environment to access markets for goods and services produced in the county;
- (e) facilitating and promoting trade within and outside the county;
- (f) in collaboration with other stakeholders, organizing trade fairs for promoting products;
- (g) create and maintain a database of all traders and type of business they carry out within the county;

- (h) providing sectoral and inter sectoral linkages in collaboration with private sector players within and outside the county; and
- (i) performing any other role intended to facilitate and promote trading as may be assigned by the department.

Confidential information

6. (1) An authorized officer who divulges confidential information obtained during the course of his or her duties under this Act or any other law commits an offence. This section does not apply to information that is—

- (a) given as evidence in proceedings taken under this Act or any law relating to consumer protection;
- (b) given by the authorized officer as part of a report prepared for the purpose of an investigation; or
- (c) a matter of public record or is otherwise in the public domain.

(2) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings fifty thousand or to a term of imprisonment not exceeding six months, or both.

County Public Private Forum

7. (1) There is established the county public private sector stakeholder consultative forum which shall —

- (a) be an avenue for consultation and dialogue between the county government and the private sector on matters affecting trade;
- (b) provide the platform for the County Executive Committee to—
 - (i) articulate the county agenda, policies and programs being planned or implemented in order to promote private sector trade development;
 - (ii) report on the progress of addressing matters raised by the private sector related to trade and private sector development;
- (c) provide a platform for —
 - (i) mobilizing the private sector to participate in county development programs; and
 - (ii) consultation with the private sector on matters relating to compliance with county and National laws.

(2) The Executive Committee Member shall be the convener of the forum.

(3) The Executive Committee Member may ensure the county public/private sector forum is held at least once every year.

Business Parks

8. (1) The County Government shall progressively ensure that there is established in each Sub-County such business parks as are necessary to facilitate trade development in the county.

(2) The business parks established under this section may include—

- (a) business incubation parks;
- (b) special economic zones which may target general business processes; and
- (c) special services zones.

(3) The department may collaborate with other stakeholders to facilitate the development and operationalization of the business parks established under this section.

(4) The department shall in each year prioritize the essential infrastructure to be developed for the financial year.

PART III — MARKETS

Establishment and Control of Public markets

9. The department shall establish, maintain, manage and regulate public markets for the sale of marketable commodities therein and provide all such things as may be necessary for the convenient use of such markets including but not limited to sanitation facilities.

Markets to be held only in designated places

10. (1) A person shall not engage in the sale of marketable commodities in such a manner as that is considered as unfair trade practice under this Act.

(2) The department may authorize any person to establish and use at any place a market for the sale of marketable commodities and such authority may be granted upon such terms and conditions as may be prescribed.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings ten thousand or to a term of imprisonment not exceeding six months, or both.

Power to impose charges for use of stalls

11. (1) The department may impose charges on every person—

- (a) occupying or using any stall or place in any public market;
 - (b) bringing into any such market any marketable commodities or anything which the Executive Committee Member may permit to be sold therein; or
 - (c) using any weighing or measuring instrument provided and kept in any such market, such stallages and charges as may be prescribed.
- (2) Stallages and charges payable in respect of any public market shall be paid at such times and in such manner as may be prescribed.
- (3) While imposing charges, the depart may consider persons living with disability who are registered with National Council for Persons Living With Disabilities and allow them to pay half the charges payable, provided they are the sole proprietors and operators of the business.
- (4) Any person who fails to comply with the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings ten thousand or to a term of imprisonment not exceeding one month or both.

Measuring Instruments

12. Charges payable in respect measuring instruments shall be paid at such times and in such manner as may be prescribed

Market days

13. The Executive Committee Member in consultation with the relevant stakeholders in a place where a market is situated may designate certain days to be market days for public markets.

Trading

14. (1) A regular trader, who wants to carry out any commercial activity from a public market must obtain a license or, in the case of a casual trader, pay such fee as may be prescribed.

(2) A license issued under subsection (1) shall not entitle the regular trader to carry out such activity unless it is in relation to a specific market.

(3) where a regular trader wishes to relocate the business he/she is carrying out, they shall do so upon request and approval by the county government department of trade.

(4) A regular trader shall not be issued with more than one license for a post in a market that operates on the same day and time.

Motor Vehicle and Car boot sales

15. (1) A regular trader using a motor vehicle to carry on their commercial activity may be provided a space to operate —

- (a) in the case that the activity being undertaken concerns the selling of food items, prior approval by the county public health authorities or any other lawful authority must first be sought and obtained: Provided that with reference to food related items the department, following recommendation by the Health Authorities or any other lawful authority, may order the licensee to sell or not to sell specific items as ordered by the county public health authorities or any other lawful authority;

- (b) in the case of non-food related items the department may issue an order to the licensee to restrict the selling of any item that may be offensive to the public.

(5) A person who organizes a car boot sale or who sells goods from a car boot in a market or any public place must be authorized in a prescribed manner.

(6) An application for authority under this section shall contain the following—

- (a) the name of the applicant;
- (b) the place where the car boot sale will be held; and
- (c) the date or dates when the car boot sale will be held.

Street hawker

16. A street hawker who is authorized may carry out his or her commercial activity from the authorized streets and in the prescribed manner.

Hawking

17. (1) Selling by hawking is subject to the following conditions —

- (a) an application by any hawker who produces and sells his or her ware on site, is filed and filled on the prescribed form;
- (b) the place where the hawker stops to sell their goods is at least five metres of walking distance from the entrance of any commercial premises; for such purpose, a fixed kiosk is considered to be commercial premises;
- (c) no selling by a hawker is permitted in the precincts of any public building or establishment, hotel or any shopping complex unless authorized in the prescribed manner;

- (d) no objects are placed on the pavement; and
- (e) no nuisance or inconvenience is caused to the members of public.

(2) Any person who fails to comply with the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding Kenya shillings five thousand or to a term of imprisonment not exceeding one month or both.

Selling commodities within prescribed areas

18. (1) No person shall sell any marketable commodities in the entrance to any building or on the pavements of any road which is situated within the limits of a prescribed area for the purposes of this section —

(2) Subject to subsection (1), no person shall sell any marketable commodities in any part of any public place within the limits of a prescribed area.

(3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding Kenya shillings ten thousand or a term of imprisonment not exceeding one month or both.

Obstructing an authorized officer

19. A person who obstructs an authorized officer from receiving any stallage or charge prescribed under this Act or any other written law or any person employed to superintend a market or to keep order therein, whilst in the execution of his or her duty, commits an offence and is liable on conviction to a fine not exceeding Kenya shillings ten thousand or to imprisonment for a term not exceeding three months or both.

Disorderly behaviour in public market

20. (1) An authorized officer or any other authorized person may remove from any market any person who behaves in a disorderly or offensive manner or may arrest such person without a warrant.

(2) A person who in a market behaves in a disorderly or offensive manner, commits an offence and is liable on conviction to a fine not exceeding Kenya shillings five thousand or to a term of imprisonment not exceeding three months, or both.

Duty to provide information

21. (1) No trader shall sell or offer for sale at a market, prescribed goods unless information with respect to the goods is maintained by the trader in accordance with this section.

(2) A trader shall maintain information in the prescribed manner in respect of the goods he or she sells or offers for sale.

(3) No trader or market operator shall falsify, obliterate or destroy the information required to be maintained pursuant to this section.

(4) A market operator shall maintain the information provided to him or her pursuant to this Act for the period prescribed by regulations.

(5) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings ten thousand or imprisonment for a term not exceeding three months or both.

Duty to produce prescribed goods

22. A trader shall upon request, produce prescribed goods or provide access to prescribed goods to an authorized officer.

Seizure of prescribed goods

23. Where an authorized officer is satisfied that the goods and services being sold or offered for sale are —

- (a) prohibited;
- (b) stolen or suspected of being stolen, the authorized officer may, upon obtaining a warrant (in line with procedure provided for in paragraph c), seize and remove those goods;
- (c) The County Committee Member responsible for trade shall propose rules and regulations to give effect to this section.

PART IV—MANAGEMENT OF MARKETS

Market Administrator

24. The department shall appoint or designate officer(s) referred to as market administrator(s) to be responsible for the administration and management of public markets.

Management Committee

25. (1) Traders in every market within the county shall elect a market management committee consisting of —

- (a) chairperson;
- (b) market administrator who shall be an ex officio member and the secretary of the committee;
- (c) area assistant chief who shall be an ex officio member;
- (d) treasurer; and
- (e) five other members.

(2) Persons elected under subsection (1) (a), (c) and (d) shall serve for a period of two years and may be re-elected for a further one term.

(3) An election under subsection (1) shall be presided over by the ward administrator or in his or her absence an authorized officer.

Removal of Management Committee

26. (1) A market management committee or a member thereof may be removed from office by the traders who shall write to the ward administrator stating their grievances and reasons thereof which include but not limited to—

- (a) incompetence;
- (b) misappropriation of funds;
- (c) gross misconduct;
- (d) prolonged mental or physical infirmity;
- (e) declared bankrupt; or
- (f) violation of the Constitution or any other law.

(2) A member of a market management committee may cease to hold office if he or she —

- (a) dies;
- (b) resigns;
- (c) ceases to conduct business in the respective market; or (d) if removed under sub-section (1).

(3) A market management committee or a member thereof who ceases to be a member under subsection (2) shall be replaced as provided in section 25.

Functions of the Markets Management Committee

27. The functions of the market management committee shall be—

- (a) regulate the entry of persons and of vehicular traffic into the market;
- (b) assist the department to assign stalls and other facilities within the market to traders;
- (c) assist the department in dispute resolution within the market;
- (d) provide liaison between the market traders and the department;
- (e) oversee garbage collection and management;

- (f) supervise the conduct of those who enter the market for transacting business;
- (g) regulate the marketing of notified agricultural produce in the market area;
- (h) fixing the time for holding auctions;
- (i) collect, maintain, disseminate and supply information in respect of market activities including market intelligence;
- (j) enforce the provisions of the rules, regulations and by-laws including the conditions of licenses granted;
- (k) examination of contents of vehicles and vessels during seizure;
- (l) advise on allocation of market space to traders; and
- (m) carry out any other functions as may be assigned by the department.

Revenue collected at markets

28. The department shall prescribe guidelines to ensure that 30% percent of the revenue collected in every market is ploughed back to the respective market to be used for market improvement, provision of amenities and administrative costs including allowances for the committee members in all markets within the county.

Allocation of trading spaces or operating area

29. (1) The County Executive Committee Member shall prescribe guidelines for managing the allocation of trading space or operating area within a market.

- (2) The guidelines shall ensure that —
 - (a) persons who were operating trade in refurbished or reconstructed markets are given priority in allocation of trading space;
 - (b) allocation of trading space is conducted in an open and transparent manner;
 - (c) there is inclusivity in the allocations;
 - (d) the allocation of trading space does not promote monopoly and ant competition in the market;
 - (e) no trader leases more than one stall, block or space at the same time;
 - (f) that a trader surrenders allocated space, stall shop or any other facility within the market once he or she ceases to be a trader; and

- (g) no lessee of any stall or block assigns the lease to any other person or permits the use of any stall or block by any other person without the written permission of the department.

(3) The department may issue a twenty-one (21) days notice in writing to revoke any lease granted to a trader who contravenes the stipulated conditions and guidelines.

Compliance with public and environmental health requirements

30. The department shall liaise with public and environmental health officers to ensure that every market complies with public and environmental health requirements.

PART V — MISCELLANEOUS

Inspection Powers

31. An authorized officer may, at any reasonable time, enter any place that he or she believes on reasonable grounds to be a place where goods are being, or have been manufactured, prepared or supplied or that is a place where services are supplied or arranged, and may —

- (a) inspect any goods or partly manufactured goods and make such other inspections as he or she considers to be necessary;
- (b) inspect all butcher's meat, fish, vegetables and all other articles of food offered for sale in the public market and, if in their opinion the same are unfit for human consumption, immediately seize the same pending any action under the provisions of the County Public Health law;
- (c) take a sample of anything from which goods are manufactured or produced which shall be submitted to relevant authority for quality control and testing;
- (d) make inquiries of any person employed at that place or who has responsibility over that place;
- (e) inspect and take copies of records required to be kept under this Act or any other law regulating or applying to the business being conducted at that place; or
- (f) require the production of any accounting documents, returns, inventories or other information whether or not relating to the business of any manufacturer or trader if such information is considered necessary for the discharge of any power or function vested in the department.

Enforcement to promote business environment

32. The enforcement of this Act shall be carried out in a manner that—

- (a) recognizes and respects the right to property and privacy;
- (b) supports and encourages compliance with the Act;
- (c) promotes trade and business operations; and
- (d) respects and observes the rule of law and fundamental rights.

Authorized Officers

33. (1) The Executive Committee Member shall appoint persons to be authorized officers for the purposes of this Act.

(2) Notwithstanding the provisions of sub-section (1), all officers working in or seconded to the county section, the county public health officers and officers who are for the time being referred to as enforcement officers shall be authorized officers for the purposes of this Act.

(3) An authorized officer shall be responsible for ensuring compliance with this Act.

Regulations

34. The Executive Committee Member shall make regulations within six months of Gazettement of this Act —

- (a) regulating the use of markets and market buildings;
- (b) prescribing, and regulating the pattern, description and use of, weighing or measuring instruments to be used by persons selling marketable commodities in any market;
- (c) preventing nuisances and obstructions in markets and for maintaining cleanliness therein and on the approaches thereto;
- (d) prescribing the goods that may be sold in any market;
- (e) fixing, regulating and collecting stallages or charges and the payment and collection thereof in any public market;
- (f) for the inspection and examination of marketable commodities sold or offered for sale in any market;
- (g) fixing the days and hours during each day on which any market may be opened and for preventing the sale and purchase of marketable commodities in any market on any day or at any times except as fixed;

- (h) prescribing the conditions subject to which the several stalls or places in any public market may be held, occupied or used by persons having or using the same;
- (i) imposing on any person having or using any stall or place in any market the duty of taking steps and using such means for protecting from contamination any articles of food offered or exposed for sale in any market; for maintaining order and preventing disturbances in a public market; and
- (j) for excluding or removing from public markets any person suffering from any infectious or contagious disease.

Savings

35. All markets listed in the first schedule of this Act established before the coming into operation of this Act are deemed to have been established under this Act, and all regulations, rules, orders or bylaws made under any other law in force at the time of the commencement of this Act shall be deemed to have been made under this Act and shall remain in force until other provisions are made in accordance with this Act.

Operation of Markets within municipalities

36. Upon commencement of this Act, all satellite markets within the municipalities in the county shall be governed by provisions of this Act.

SCHEDULE — THARAKA NITHI CLASSIFICATION OF MARKET CENTERS

S/NO	URBAN CENTERS ZONE A	TRADING CENTERS ZONE B	MARKET CENTERS ZONE C
1	Chuka	Magutuni	Mutindwa
2	Chogoria	Tunyai	Karaa
3	Marimanti	Kibugua	Kabeche
4	Ndagani	Gatunga	Mbogori
5	Kirubia	Chiakariga	Pole Pole
6		Mukothima	Nturiri
7		Marima	Igwanjau
8		Kaanwa	Iriga
9		Itugururu	Nguruki
10		Kibunga	Kaare
11		Kathwana	Gaciegoki
12		Mitheru	Muthenge
13		Runda University	Kiriani
14		Mitheru Stage	Chera
15		Giampampo stage	Weru – Chuka
16		Kajuki	Old Mitheru
17		Nkarini	Mwoga
18		Kiracha	Thuchi Barrier
19			Kambandi
20			Kirege
21			Nkondi
22			Kwang'ombe
23			Makutano
24			Khangachini
25			Rubate
26			Ikuu
27			Mugumoni
28			Gatithini
29			Gaciongo
30			Gacauni
31			Kaarwa
32			Kamatumo

33			Ura Gate/ Ireneri
34			Matiri
35			Ubarini
36			Kianamuthi
37			Gacera Aka
38			Kanyuru
39			Kembasi
41			Karocho
42			Ruungu
43			Mugwi
44			Kamangu
45			Ng'onya
46			Kariini
47			Kirangare
48			Kaiga kamwe
49			Igumo
50			Giekuri
51			Gachugini
52			Kithiori
53			Miomponi
54			Turima tweru
55			Tumbura
56			Mucubi
57			Kaboto
58			Kiamiramba
59			Kwa Nziku
60			Irunduni
61			Manyanga
62			Bondeni
63			Karwamba
64			Kamwimbi
65			Kiaritha
66			Kabururu
67			Makanyanga
68			Mwoga

69			
70			Kanthanje
71			Igambang'ombe
72			Kangu
73			Ngeru
74			Kiairugu/Chaigu
75			Magundu
76			Matinia
77			Karinga ga Nkoru
78			Weru-Muthambi
79			Muthiru
80			Kariani
81			Karigini
82			Mumbuni
83			Ntakani
84			Mwiria
85			Kibura
86			Ikumbo
87			Mukui
88			Miraa Miraja
89			Kangutu
90			Chiakanyinga
91			Ndunguri
92			Kiang'ondu
93			Kiereni
94			Makawani
95			Nthigiriri
96			Mpiani
97			Kambungu
98			Ibithe
99			Mukunga
100			Kabururu
			Mikuu